

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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G&G CLOSED CIRCUIT EVENTS, LLC,	:	
Plaintiff,	:	20 Civ. 3492 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
GERALDO PACHECO, <i>et al.</i> ,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, by the Default Judgment Order dated September 17, 2020, Plaintiff was granted judgment against Defendants Geraldo Pacheco and Alge & Deluca, LLC, and Plaintiff's request for liquidated damages and costs was referred to Magistrate Judge Robert W. Lehrburger for a post-default judgment inquest (Dkt. Nos. 39 & 40).

Damages

WHEREAS, on March 2, 2021, Judge Lehrburger issued a Report and Recommendation (the "Report"), recommending that Plaintiff be awarded: (1) \$2,200 of statutory damages; (2) \$8,800 of enhanced damages; (3) post-judgment interest; and (4) attorneys' fees and costs (Dkt. No. 46);

WHEREAS, as stated in Judge Lehrburger's Report, the deadline for any objections was fourteen days from service of the Report;

WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a Magistrate Judge's report and recommendation, a District Judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *accord Niles v. O'Donnell*, No. 17 Civ. 1437, 2019 WL 1409443, at *1 (S.D.N.Y. Mar. 28, 2019);

WHEREAS, the Court finds no clear error on the face of the record as to the recommendation of statutory damages, enhanced damages, post-judgment interest, and attorneys’ fees and costs.

Attorneys’ Fees and Costs

WHEREAS, on March 16, 2021, Plaintiff filed a motion for attorneys’ fees and costs seeking (1) \$2,432.50 in attorneys’ fees and (2) \$1,142.52 in costs (Dkt. Nos. 48, 49 & 50);

WHEREAS, Plaintiff’s motion for attorneys’ fees and costs is unopposed;

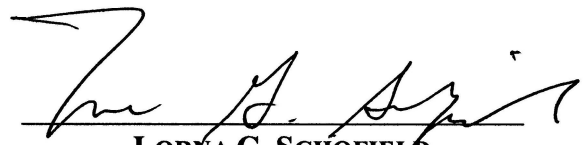
WHEREAS, Plaintiff, as the aggrieved and prevailing party, is entitled to recover reasonable attorneys’ fees and costs. 47 U.S.C. § 605(e)(3)(B)(iii) (providing that a court “shall direct the recovery of full costs, including awarding reasonable attorneys’ fees to an aggrieved party who prevails”);

WHEREAS, this Court has reviewed Plaintiff’s motion for attorneys’ fees and costs and finds (1) the number of hours billed reasonable and commensurate with the work performed; (2) the rates charged reasonable in comparison to the hourly rate normally charged for similar work by attorneys of like skill in the area; and (3) the costs incurred reasonable. It is hereby

ORDERED and ADJUDGED that the Report is ADOPTED and Plaintiff’s request for attorneys’ fees and costs is GRANTED. Plaintiff shall be awarded (1) \$2,200 of statutory damages; (2) \$8,800 of enhanced damages; (3) \$2,432.50 in attorneys’ fees and (4) \$1,142.52 in costs. If delinquent, Defendant shall pay post-judgment interest pursuant to 28 U.S.C. § 1961.

The Clerk of Court is respectfully directed to close the case.

Dated: March 30, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE